

### **REMARKS**

As may be appreciated from the listing of claims provided above, the claims have been amended herein. Authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

#### **I. RESPONSE TO THE REJECTION OF THE CLAIMS**

The Examiner rejected pending claims 9-10, 14-18 and 21-23 under 35 U.S.C. § 102 as anticipated by U.S. Patent Application Publication No. 2003/0184596 to Kodosky et al. in the Office Action dated August 19, 2009 (hereafter "the Office Action").

Claims 11-12 and 19 were rejected as obvious view of the combination of Kodosky et al. and U.S. Patent Application Publication No. 2005/0054290 to Logan et al. (Office Action, at 5).

Claims 13 and 20 were rejected as obvious view of the combination of Kodosky et al. and U.S. Patent No. 7,068,299 to Lemieux et al. (Office Action, at 6).

##### **A. Burden of Proving Anticipation Under 35 U.S.C. § 102**

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, \*8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as

in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

**B. Burden Of Proving Obviousness Under 35 U.S.C. § 103**

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added). "When evaluating claims for obviousness under 35 U.S.C. 103, **all the limitations of the claims must be considered and given weight.**" MPEP § 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id.* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness, an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id.* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some**

**articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."** MPEP § 2143.01 (citing *KSR*, 82 USPQ2d at 1396) (emphasis added).

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

**C. None Of The Claims Are Anticipated By Kodosky et al.**

Kodosky et al. disclose a system and method using configuration diagrams for configuring distributed systems, such as laboratory systems. (Abstract). For instance, Kodosky et al. teach that their system may be used to configure laboratory equipment using LabView. (¶ 34, Figure 5). Kodosky et al. do not teach or suggest any communication forwarding instructions such as call forwarding, e-mail forwarding, or other communication forwarding instructions as required by the pending claims. For at least this reason, Kodosky et al. cannot anticipate any of the pending claims.

**D. The Cited Art Does Not Render Claims 9-16 Or 25 Obvious**

Claim 9 defines a method that includes the steps of displaying a communication address via a movable element on the graphical user interface, moving the element to one of the plurality of selectable instructions such that the one of the plurality of selectable instructions is a selected instruction, logically combining the communication address of the moved element with the selected instruction, and creating a configuration order using the combined address and selected

instruction. The configuration order has at least one command that comprises communication forwarding instructions. Claims 10-16 and 25 depend directly or indirectly from claim 9.

None of the cited art teaches or suggests any configuration order that has at least one command that comprises communication forwarding instructions. For example, Kodosky et al. teach or suggest the creation of configuration diagrams for Lab equipment using LabView software. As another example, Lemieux et al. teach or suggest the creation of a video call diagram that does not allow creation of links between icons if calls cannot be completed between the devices represented by those icons. (Lemieux et al., at Col. 2, lines 33-61). As yet another example, Logan et al. teach rules for use in electronic devices to generate notification messages based on a determined proximity of other devices. (Logan et al., Abstract).

None of the cited art teaches or suggests any method for configuring communication nodes for communication forwarding, such as call forwarding or e-mail forwarding. Further, none of the cited art teaches or suggests the formation of any configuration order that has at least one command that comprises communication forwarding instructions as required by claims 9-16 or 25. For example, none of the cited art teaches or suggests displaying a communication address via a movable element on the graphical user interface, moving the element to one of the plurality of selectable instructions such that the one of the plurality of selectable instructions is a selected instruction, logically combining the communication address of the moved element with the selected instruction, and creating a configuration order that has at least one command that comprises communication forwarding instructions using the combined address and selected instruction.

**E. The Cited Art Does Not Render Claims 17-24 Obvious**

Claim 17 requires a computer for configuring a communication node to include a combination mechanism for logically combining at least one communication address of a moved element with a selected instruction. The computer causes an operational order to be created via the combined at least one communication address and instruction. The operational order has at least one command that comprises communication forwarding instructions. Claims 18-24 depend directly or indirectly from claim 17.

None of the cited art teaches or suggests a computer that is configured to cause an operational order to be created by combining at least one communication address of a moveable element with a selected instruction as required by claim 17. Moreover, none of the cited art teaches or suggests that such an operational order has one or more commands that include communication forwarding instructions.

Indeed, as discussed above, the cited art is silent with respect to communication forwarding instructions. For example, Korody et al. are focused on the setting up of laboratory equipment, not communication forwarding. As another example, Logan et al. are focused on generating notification messages upon detecting that a particular device is near another device.

For at least the above discussed reasons, claims 17-24 are allowable over the cited art.

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## **II. CONCLUSION**

Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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